



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,195	04/18/2002	William L. Kopko	2709-104	8600

6449 7590 11/18/2003

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

BELENA, JOHN F

ART UNIT	PAPER NUMBER
----------	--------------

3746

DATE MAILED: 11/18/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/009,195

Applicant(s)

KOPKO, WILLIAM L.

Examiner

John F. Belena, Ph.D.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 77-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18/04/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Application/Control Number:  
10/009,195  
Art Unit: 3746

Page 2



*United States Patent & Trademark Office*

**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

1. This Office Action is in response to applicant's amendment filed on 09/09/03. As directed by the amendment **claim 77** was amended and original **claims 78-81** remain. **Claims 77-81** are pending in the application.

**SPECIFICATION**

2. The disclosure is objected to because of the following informality: on **page 14**, lines 10-11, please provide the reference containing the performance data for gas turbines, lines 17-18, the

Application/Control Number:  
10/009,195  
Art Unit: 3746

Page 3

recitation "The present invention also has the same 100 MW capacity but maintains it at high ambient temperatures" is in error for Figure 6 clearly shows that at high ambient temperatures the present invention does *not* maintain the 100MW capacity. In Figure 6 the trend in the range of 0-40 degrees F is in opposition to the trend displayed in Figure 1 - please explain the reason for this difference. What control features are in operation in the 0-40 degree F to keep the Power Output constant?

Appropriate correction is required.

### **CLAIM REJECTIONS - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35

U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 77-81** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 77** recites in part "said gas turbine system is operated to provide maximum generator design rated output at summer-peaking temperatures" which is in opposition to the performance of applicant's invention as clearly displayed in Figure 6 wherein is shown that at summer-peaking temperatures the maximum generator design rated output of 100 MW is not sustained but rather there is a maximum generator output drop of ~6MW.

**Claims 78-81** depend from claim 77.

## RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 09/09/03 have been fully considered but they are not persuasive. Applicant argues, "Each of the prior art references may disclose the use of either supercharging or inlet air cooling to increase power output" yet the Miller, Bronicki, Foster-Pegg, De Lucia et al. & Kolp et al references all disclose the use of both supercharging and inlet air-cooling. Applicant argues "Each of the prior art references...in each case the increased power output would simply raise the curve in Figure 1, and not change the shape of the curve as shown in Figure 6" yet it is clear from comparing Figure 1 to Figure 6 that the curves are totally different in nature and hence the shapes are changed when going from Figure 1 to Figure 6 with the range 0-100 degrees F. The amending recitation in the later part of claim 77 can be provided by the art of record by simply setting

the flow of the “superchargers” and “cooler-foggers” so as to try to attain nearly the maximum generator design rated output at any summer-peak temperature. The examiner suggests that the claim 77 be further amended to also include the controlling features of the applicant’s invention with the objective on page 15, sentence in lines 9-11 clearly stated.

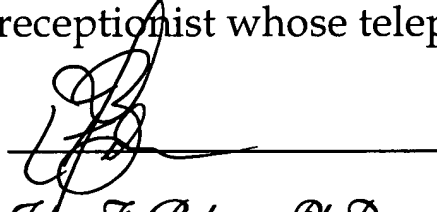
## CONCLUSION

6. Any inquiry concerning this communication from the examiner should be directed to **John F. Belena, Ph.D. whose telephone number is (703) 305-3533**. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Timothy**

Application/Control Number:  
10/009,195  
Art Unit: 3746


Page 7

**S. Thorpe, can be reached on (703) 308-0102.** The fax number for this Group Art Unit 3746 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Art Unit 3746 receptionist whose telephone number is (703) 308-0861.



*John F. Belena, Ph.D.*

*Arlington, Virginia 22202*  
*Tel. (703) 305-3533*  
*Right Fax. (703) 746-8125*  
*John.belena@uspto.gov*



JUSTINE R. YU  
PRIMARY EXAMINER  
11/17/03

11/17/03

